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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/828,665

04/21/2004

Michel Desgagne

I-2-0496.1US

4930

24374

7590

09/26/2005

VOLPE AND KOENIG, P.C.  
DEPT. ICC  
UNITED PLAZA, SUITE 1600  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103

EXAMINER

PHUNKULH, BOB A

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/828,665

Applicant(s)

DESAGNE ET AL.

Examiner

Bob A. Phunkulh

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/1/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This communication is in response to applicant's 07/11/2005 amendment(s)/response(s) in the application of **DESGAGNE et al.** for **"METHOD AND SYSTEM FOR INTEGRATING RESOURCE ALLOCATION BETWEEN TIME DIVISION DUPLEX AND FREQUENCY DIVISION DUPLEX IN WIRELESS COMMUNICATION SYSTEMS"** filed 04/21/2004. The amendments/response to the claims have been entered. No claims have been canceled. No claims have been added. Claims 1-13 are now pending.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miya (US 2002/0105913) in view of Ishiguro et al. (US 20040203786), hereinafter Ishiguro.

Regarding claim 1, Miya discloses a method for integrating time division duplex (TDD) and frequency division duplex (FDD) in wireless communication systems, the method comprising the steps of:

receiving radio access bearer (RAB) requests along with a plurality of parameters regarding the request (see paragraph 0042);

selecting either a TDD or FDD connection based on the level of congestion or type of services requested (see paragraph 0042).

Miya fails to disclose selecting the TDD or FDD connection based on the estimated a degree of symmetry in the uplink and downlink connections.

Ishiguro, on the other hand, disclose it is well known in the arte that selecting the TDD or FDD connection based on the estimated a degree of symmetry (data rate) in the uplink and downlink connections (see paragraph 0010) provides efficient used of systems' resources.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made implement the prior art teaching of Ishiguro especially selecting high data rate for TDD transmission and low data rate for FDD transmission in the system taught by Miya in order to provides efficient used of the systems' resources.

Regarding claim 2, Miya discloses the TDD connection is selected for RAB requests having data rates above a predetermined threshold (high speed packet transmission, see paragraph 0042).

Regarding claim 3, Miya discloses the FDD connection is selected for RAB requests associated with voice applications(real-time request i.e. speech the FDD is selected, see paragraph 0042).

Art Unit: 2661

Regarding claim 4, Miya discloses evaluating a symmetry status of the UL and DL connections periodically once an initial connection has been established in response to a RAB request; and switching between TDD and FDD modes based on said symmetry status (the mobile station select TDD or FDD based on the received signal measurement, see paragraphs 0055 to 0061).

Regarding claim 5, Miya discloses all RAB requests are processed through a FDD RNC (see figure 5 and paragraph 0042).

Regarding claim 8, Miya discloses a system for integrating TDD and FDD in a communication system, the system comprising:

- a core network (CN) (either telephone network 207 or IP network 208, see figure 5);

- a time division duplex radio network controller (TDD RNC)(RNC 203, figure 5);

- a frequency division duplex radio network controller (FDD RNC) (RNC 203, see figure 5); and,

- a TDD-FDD selector for receiving a RAB request, and

- a selector for selecting either a TDD or FDD connection based on the level of congestion or type of services requested (see paragraph 0042).

Miya fails to disclose selecting the TDD or FDD connection based on the estimated a degree of symmetry in the uplink and downlink connections.

Ishiguro, on the other hand, disclose it is well known in the art that selecting the TDD or FDD connection based on the estimated a degree of symmetry (data rate) in the uplink and downlink connections (see paragraph 0010) provides efficient used of systems' resources.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made implement the prior art teaching of Ishiguro especially selecting high data rate for TDD transmission and low data rate for FDD transmission in the system taught by Miya in order to provides efficient used of the systems' resources.

Regarding claim 9, Miya discloses a TDD connection is selected for RAB requests having data rates above a predetermined threshold (high-speed packet transmission request, see paragraph 0042).

Regarding claim 10, Miya discloses a FDD connection is selected for RAB requests associated with voice applications (real-time request i.e. speech the FDD is selected, see paragraph 0042).

Regarding claim 11, Miya discloses the TDD RNC, the FDD RNC, and the TDD-FDD selector are integrated into an integrated TDD/FDD RNC (see figure 5).

Art Unit: 2661

Claims 6-7, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Miya-Ishiguro as applied to claims 5 or 8 above, and further in view of Petersen (US 2002/0049062).

Regarding claims 6-7, 12-13, the combination of Miya-Ishiguro fails to disclose the FDD RNC includes a TDD serving radio network controller (S-RNC) and is configured to support TDD Iur protocols; and only the CN and the FDD RNC are connected via an Iu interface and RAB requests are processed through the FDD RNC.

Petersen, on the other hand, discloses the FDD RNC includes a TDD serving radio network controller (S-RNC) and is configured to support TDD Iur protocols; and only the CN and the FDD RNC are connected via an Iu interface and RAB requests are processed through the FDD RNC (see figure 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made includes the teaching of Petersen in the system taught by the combination of Miya-Ishiguro in order to take advantage of commonly used protocol and interface in the UTRAN network.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Art Unit: 2661

**Any response to this action should be mailed to:**

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
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Alexandria, VA 22313-1450

**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**Or:**

The following address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, Hand Delivery, etc.) as follow:

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220 20<sup>th</sup> Street South  
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Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202.

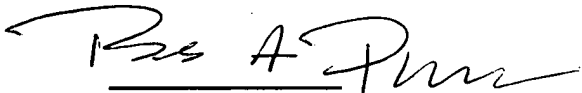
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Chau Nguyen**, can be reach on **(571) 272-3126**. The fax phone number for this group is **(571) 273-8300**.



Art Unit: 2661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bob A. Phunkulh

Primary Examiner

TC 2600

Art Unit 2661

September 22, 2005

**BOB PHUNKULH  
PRIMARY EXAMINER**